

131

2025.PHHG.133391-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 23.09.2025

1.

LPA-2610-2025 (O&M)

Shanti Devi

Vs.

...Appellant

State of Haryana and another

...Respondents
2.

LPA-2512-2025 (O&M)

Jai Pal

Vs.

...Appellant

Presiding Officer, Labour Court, Ambala and others

...Respondents
3.

LPA-2513-2025 (O&M)

Dhoop Singh

Vs.

...Appellant

Presiding Officer, Labour Court, Ambala and others

...Respondents
4.

LPA-2361-2025 (O&M)

Rishi Pal

Vs.

...Appellant

Presiding Officer, Labour Court, Ambala and others

...Respondents
5.

LPA-2511-2025 (O&M)

Bhaga

Vs.

...Appellant

Presiding Officer, Tribunal-cum-Labour Court, Ambala and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. A.P.Bhandari, Advocate and
Ms. Bhargavi, Advocate for the appellant(s).

Mr. Anant Kataria, DAG, Haryana.

DEEPAK MANCHANDA, J.

By this common order the aforementioned five Letters Patent Appeals i.e. LPA-2610-2025, LPA-2512-2025, LPA-2513-2025, LPA-2361-2025 and LPA-2511-2025 shall stand disposed of. All five intra-court appeals involve similar questions of law, therefore, the facts of LPA-2610-2025 are being considered for the adjudication of all these appeals.

2. Through this intra-court appeal, the appellant has challenged the impugned judgment dated 04.04.2025 passed by the learned Single Judge, whereby the writ petition preferred by the appellant(s) seeking reinstatement and continuity in service by treating her as an employee of the State has been dismissed.

3. The brief facts emanating from the pleadings of the present appeal are that the appellant was appointed as Mali on 01.01.1982 with the respondent-management for maintenance of plants etc. The services of the petitioner were illegally terminated on 01.01.2014 without the compliance of Section 25F of the Industrial Disputes Act, where no show cause notice was issued nor any charge sheet was served upon the appellant. It is mentioned that after the issuance of demand notice and consideration proceedings, the appellant approached the Labour Court, where, by an award dated 10.02.2015, the claim of the appellant was rejected. Being aggrieved, the appellant

challenged the impugned award through CWP-29469-2024, which was dismissed vide impugned judgment dated 04.04.2025 and the same has now been challenged through this intra-court appeal.

4. Learned counsel for the appellant has raised similar arguments as those presented before the learned Single Judge, which are outlined in paragraphs 2 to 6 of the impugned judgment. Therefore, repetition is not necessary as no new points have been introduced, except that the learned counsel for the appellant has relied upon decisions rendered by the Hon'ble Supreme Court in *SLP (Civil) No.5580-2024, titled as "Jaggo Vs. Union of India and others"*, *"Dharam Singh and others Vs. State of U.P. and another" in Civil Appeal No.8558-2018* and *"Shripal and another Vs. Nagar Nigam, Ghaziabad" in Civil Appeal No.8157-2024*.

5. Learned counsel for the respondent-State has also raised similar arguable points as submitted before the learned Single Judge, while referring to para Nos.7 to 12 of the impugned judgment, so the same also does not require any reiteration.

6. Heard.

7. Learned counsel for the appellant has relied upon *Jaggo Versus Union of India and others, 2025 (1) SLR 1*, and other judgments. This Court, in *LPA-1507-2025* titled *Nishan Singh Versus State of Haryana and others decided on 10.09.2025*, has already considered similar arguments where reliance was placed on the same judgments. The findings recorded therein are reproduced below:-

"13. Learned counsel for the appellant has relied on the judgment passed by the Hon'ble Supreme Court in SLP-(Civil)-5580-2024, titled "Jaggo Vs. Union of India and others," by arguing that the learned Single Judge

ignored the settled principle of law and referred to para Nos. 13 and 27 of the said judgment, which are reproduced below:

“13. The claim by the respondents that these were not regular posts lacks merit, as the nature of work performed by the appellants was perennial and fundamental to the functioning of the offices. The recurring nature of these duties necessitates their classification as regular posts, irrespective of how their initial engagements were labelled. It is also noteworthy that subsequent outsourcing of these same tasks to private agencies after the appellants’ termination demonstrates the inherent need for these services. This act of outsourcing, which effectively replaced one set of workers with another, further underscores that the work in question was neither temporary nor occasional.”

xxxxxxxxx

27. In light of these considerations, in our opinion, it is imperative for government departments to lead by example in providing fair and stable employment. Engaging workers on a temporary basis for extended periods, especially when their roles are integral to the organization's functioning, not only contravenes international labour standards but also exposes the organization to legal challenges and undermines employee morale. By ensuring fair employment practices, government institutions can reduce the burden of unnecessary litigation, promote job security, and uphold the principles of justice and fairness that they are meant to embody. This approach aligns with international standards and sets a positive precedent for the private sector to follow, thereby contributing to the overall betterment of labour practices in the country.”

14. To substantiate the arguments raised by learned counsel for the appellant, we have examined the contents of the above-mentioned judgment passed by the Supreme Court, and find that same do not apply to the facts of this case. Even the other judgments cited by the learned counsel for the appellant are also not applicable to the facts of the present case.

15. We cannot overlook the fact that the appellant continued working under the contract system for over ten years before his services were terminated in 2015 and he

had never raised any dispute during this period, but instead accepted the continuation of his employment under the contract system. After considering this issue, we believe that the appellant-workman, by not raising such a plea even after ten years, became a fence-sitter, and such a belated claim can only be regarded as stale. The Learned Single Judge, while deciding the bunch of writ petitions, relied upon the well-settled law in SLP(C) 19848 of 2023, titled “The Joint Secretary, CBSE Vs. Raj Kumar Mishra and ors.”, decided on 17.03.2025, and dismissed the writ petitions. The relevant extract is reproduced below:

“6. Having considered the facts and circumstances of the case(s) and submissions of learned counsel for the parties, we find substance in the contentions of learned counsel for the appellants. The issue whether the private respondents were employees of the appellants, is the crux of the matter. Whatever material has been placed and even the best point which was argued by the learned Senior Counsel for the private respondents before this Court was that since there was supervisory and jurisdictional control over the private respondents by the appellants, ipso facto, they would become employees of the appellants is noted only to be rejected.

7. This is not only a very simplistic approach, but also a totally erroneous approach in law. For a person to claim employment under any organization, a direct master-servant relationship has to be established on paper. In the present case(s), admittedly, the only document, which the private respondents have in their favour, is showing that they were posted at various places doing different nature of work.

8. This clearly in the considered opinion of the Court would not establish master-servant relationship.

9. Had it been the case where there were other materials also in favour of the private respondents in both cases showing that they may have a case for being considered as an employee of the appellants, we may not have interfered with the orders impugned and would have left it to the Labour Court to once again to go into the matter(s) on merits. However, when the best defence of the private respondents in both cases, as discussed supra, has been found to be totally of no consequence to the private respondents in

both cases, we find that the remand would be an exercise in futility.

10. Accordingly, the appeals stand allowed. The order(s) impugned are set aside to the extent the matters have been remanded to the Labour Court. As the awards have already been quashed, no separate order needs to be passed in this regard.”

8. Learned counsel for the appellant is unable to dispute the aforementioned judgment in *Nishan Singh’s case (supra)*, which squarely covers the present appeal, as the facts are similar. No other point has been argued.

9. In view of the above discussion, we find that the learned Single Judge rightly dismissed the writ petition(s) filed by the appellant-workman and that the impugned judgment does not suffer from any perversity or error.

10. Consequently, all the Letters Patent Appeals stand dismissed in the same terms.

11. All pending miscellaneous applications are also disposed of accordingly.

(DEEPAK MANCHANDA)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

23.09.2025

vanita/sandeep

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No